

SN 09/712/081

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William L. Muckelroy
Registration No. 26,961

In re Patent Application :
of Richard Thomas : **U.S. PATENT AND TRADEMARK OFFICE**
Serial No. 09/712,081 : Examiner: Nick Lucchesi
:
For: Method for Creating a Denture : **Art Unit: 3732**
Using Laser Altimetry :
Priority Date: Nov. 15, 1999 :

The Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

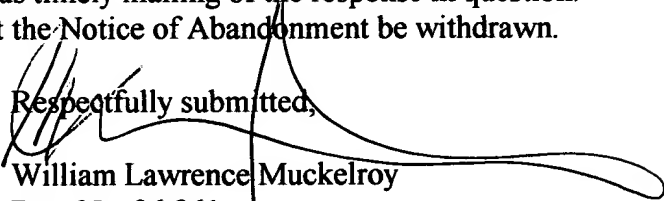
Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181

Sir:

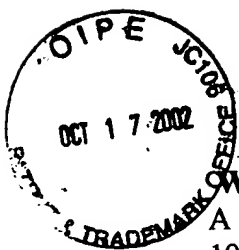
This is in response to a Decision on Petition to Withdraw the Holding of Abandonment, mailed on September 13, 2002 advising that the petition to withdraw holding of abandonment of the above-captioned application was dismissed because of the absence of direct evidence that an amendment was timely sent.

Attached hereto is a verified declaration signed by Ms. Irene Christine attesting on a personal knowledge basis to the previous timely mailing of the response in question. Accordingly, it is respectfully requested that the Notice of Abandonment be withdrawn.

Respectfully submitted,


William Lawrence Muckelroy
Reg. No. 26,961
Attorney of Record for Applicant

Dated: October 9, 2002
Phone: 1-609-882-2111/ Fax: 1-609-883-3322
Enclosures: Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181; Verified Declaration; Copy of Decision on Petition to Withdraw the Holding of Abandonment dated September 13, 2002; True copy of Response to Notice of Non-Complaint Amendment; Certificate of Mailing.
Sent by Certified Mail Return Receipt Requested No. 7099 3220 0010 5151 3644
cc: Richard Thomas



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In re Patent Application :
of Richard Thomas : **U.S. PATENT AND TRADEMARK OFFICE**
Serial No. 09/712,081 : Examiner: Nick Lucchesi
:
For: Method for Creating a Denture : **Art Unit: 3732**
Using Laser Altimetry :
Priority Date: Nov. 15, 1999 :

The Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

Verified Declaration

Sir:

I hereby attest and certify based on personal knowledge to the previous timely mailing of the Response to Notice of Non-Compliant Amendment – Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice; and Attachment, which I deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to “Assistant Commissioner for Patents, Washington, D.C. 20231” on February 7, 2002. A true copy of the response is attached hereto.

Respectfully submitted,

Irene Christine
Irene Christine

Dated: October 9, 2002

The undersigned states that she is authorized to execute this declaration on behalf of the applicant; and she verily believes the facts set forth in this declaration are true and that all statements were made with the knowledge that willful false statements and the like, so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration, any document arising therefrom, or any patent resulting therefrom.

Irene Christine
Irene Christine

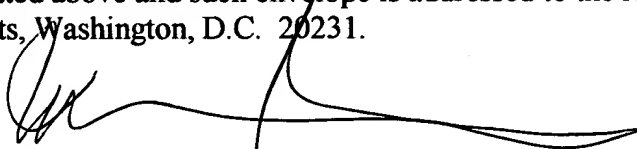
Dated: 10/9/02

CERTIFICATE OF MAILINGDate of Deposit: 10/16/02

I hereby certify that the following documents:

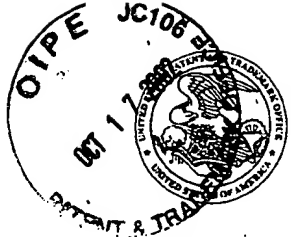
1. Renewed Petition to withdraw the Holding of Abandonment Under 37 CFR 1.181.
2. Verified Declaration.
3. Copy of Decision on Petition to Withdraw the Holding of Abandonment dated September 13, 2002.
4. True copy of Response to Notice of Non-Complaint Amendment.

are being deposited in a single envelope with the United States Postal Service on the date indicated above and such envelope is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



William L. Muckelroy
Registration No. 26,961

(Name of person mailing documents)



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 20 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

SEP 13 2002

Paper No.

William L. Muckelroy Esq. P.C.
Ewing Professional Building
Suite 3A
1901 N Olden Avenue
Trenton NJ 08618

In re Application of
Richard J. Thomas
Serial No. : 09/712,081
Filed : November 14, 2000
For : Method for Creating a Denture Using Laser
Altimetry

: DECISION ON PETITION
:
: TO WITHDRAW
: THE HOLDING OF
: ABANDONMENT
:

This is a decision on petitioner's request filed July 30, 2002, to review the holding of abandonment mailed July 16, 2002 for failure file a response to the Office action mailed February 1, 2002. The basis for petitioner's request is the assertion that a timely amendment accompanied with a certificate of mailing, were mailed to the Office on February 7, 2002. There is no fee required for this petition.

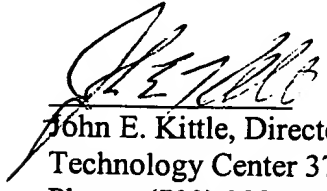
A petition to withdraw the holding of abandonment wherein it is alleged that a proper response was filed requires: (a) a copy of the previously mailed response and/or fee verified to be a true copy of that which was filed; and (b) either evidence of the receipt of the response and/or fee by the Office, such as a post card receipt, or a verified declaration attesting on a personal knowledge basis to the previous timely mailing of the response and/or fee (37 CFR 1.8). This petition lacks item (b).

In the absence of any direct evidence to show that an amendment had been timely sent, such as a verified declaration signed by Ms. Irene Christine attesting on a personal knowledge basis to the previous timely mailing of the response in question, the petition must be dismissed.

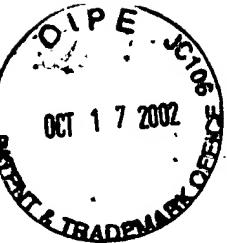
Any requests for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

Telephone inquiries relative to this petition should be directed to Special Programs Examiner Andres Kashnikow at (703) 308-1137.

Summary: Petition to withdraw holding of abandonment DISMISSED.


John E. Kittle, Director
Technology Center 3700
Phone: (703) 308-0873

ak/8/29/02



SN 09/712,081

FILE

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In re Patent Application
of Richard Thomas
Serial No. 09/712,081

: U.S. PATENT AND TRADEMARK OFFICE
: Examiner: Nick Lucchesi

For: Method for Creating a Denture Using : Art Unit: 3732
Laser Altimetry
Priority Date: Nov. 15, 1999

The Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

Response to Notice of Non-Compliant Amendment

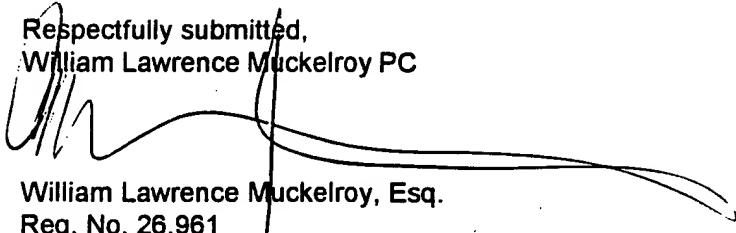
Sir:

This is a plenary response to the outstanding Office Action, paper no. ___, dated February 1, 2002, captioned "Notice of Non-Compliant Amendment (37 CFR 1.121)" requesting submission of a clean version of the replacement paragraphs/sections. Accordingly, attached hereto is a duplicate or clean version of the replacements, namely, the amendments to the claims in 14 point type. It is assumed that this satisfies the requirement of the office.

REMARKS

If this response is not what was expected, it is respectfully solicited that the Examiner or the USPTO contact the firm by phone at (609) 882-2111 in an attempt to clarify exactly what it is that the Office requires.

Respectfully submitted,
William Lawrence Muckelroy PC


William Lawrence Muckelroy, Esq.
Reg. No. 26,961
Attorney of Record for Applicant

Dated: February 7, 2002

Phone: 1-609-882-2111/ Fax 1-609-883-3322

Enclosures: Certificate of Mailing; Response to Notice of Non-Compliant Amendment – Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice; Attachment – clean version

CERTIFICATE OF MAILING

I hereby certify that this Response to Notice of Non-Compliant Amendment – Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice; and Attachment are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on February 7, 2002.

Typed or printed name of person signing this certificate: Irene Christine

Signature: Irene Christine

IN THE CLAIMS

Please amend claims 1,6, and 7 as follows:

Claim 1 (amended). In a method of making a denture from digital information corresponding to an image of at least a part of a human oral cavity, said human oral cavity previously contained a plurality of natural teeth at a prior point in time, wherein the digital information is used to generate digital information for [rapid prototyping] manufacturing of the denture, the improvement comprising:

- (a) Said manufacturing comprising an initial step of scanning and storing a first digital image of said human oral cavity at a first point in time when the oral cavity contains a plurality of natural teeth, said scanning at a first scanning site; and subsequently at another point forward in time;
- (b) said manufacturing further comprising a step of scanning and storing a second digital image of said human oral cavity when the oral cavity no longer contains one or more of said natural teeth at a second scanning site, and subsequently at another point in time and at a remote manufacturing site digitally connected to said second site, said manufacturing further comprising the step of rapid prototype manufacturing of a denture at the remote manufacturing site;
- (c) At said prior point in time, preparing and digitally storing a selectable digital image of at least one surface of an actual tooth from a scan of the actual tooth inside the human oral cavity to create a group of actual image digital data;
- (d) adding to the digital information, additional digital data selected from an archive of digital data selected from a group of digital data consisting of

artificial image digital data and actual image digital data, which additional digital data depicts a denture,

- (e) last said denture being selected from the group consisting of a full upper denture and a full lower denture, said digital information and said additional digital data being based on image information in a form wherein all of said digital information and said additional data are combined and viewable as a computer generated composite image;
- (f) [carrying out the rapid] using a plastic material for rapid model prototype manufacturing of at least one full denture using said digital information with the said additional digital data whereby the denture made substantially resembles the digital data viewable as the computer generated composite image; including using a computer system as a part of said adding to the digital information;
- (g) constructing an actual denture using all of said digital information and said additional data combined at a remote rapid modeling facility adapted to receive and use said digital images to rapidly make a disposable denture;
- (h) using an overnight delivery service system to deliver said constructed denture from said remote rapid modeling facility to a point of distribution accessible to the denture user; and,
- (i) including processing at least said artificial image data used in producing said denture using a computer system.

Claim 6 (amended). [In a] A method of making a disposable denture made of plastic usable in rapid model prototype manufacturing from digital information corresponding to a part of a human oral cavity wherein the digital information is used to generate information for rapid prototyping of the denture, the [improvement] method further comprising:

- (a) adding to the digital information, additional digital data selected from archive of digital data, which additional data depicts both an upper and a lower denture and which digital information and said additional digital information is based on image information in a form wherein all of said digital data are viewable as a computer generated composite image;
- (b) [carrying out the rapid] rapid model prototype manufacturing of said dentures using said digital information with the added data to make a matching set of upper and lower dentures wherein the matching set of upper and lower dentures made substantially resembles the digital data viewable as the computer generated composite image; and
- (c) further including as part of said step of adding to the digital information, the step of processing at least said artificial image data used in producing said dentures using a CAD programmed computer system wherein a style comprising of shape, color, size, and texture is selected.

Claim 7 (amended). [In a] A method of making a disposable denture made of plastic usable in rapid model prototype manufacturing from digital information corresponding to a part of a human oral cavity wherein the

digital information is used to generate information for rapid prototyping of the denture, [the improvement] the method further comprising:

- (a) Adding additional digital data to the digital information, said additional digital data being selected from an archive of digital data, which additional data depicts an upper and a lower denture, said additional digital data being derived from image information acquired by a laser topological image scan of the human oral cavity without teeth therein;
- (b) [carrying out the additional step of rapid] rapid model prototype manufacturing of said dentures using said digital information with the added digital data to make a matching set of upper and lower disposable plastic dentures wherein the non- juxtaposing surfaces of said matching set of upper and lower dentures substantially resembles digital data stored from a laser topological scan image of the human oral cavity for teeth previously therein.